SUPREME COURT, U. S.
SEP 25 1973

No. 73-284

In the Supreme Court of the United States

OCTOBER TERM, 1973

AMALGAMATED LOCAL UNION 355, PETITIONER

v.

NATIONAL LABOR RELATIONS BOARD, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

MEMORANDUM FOR THE NATIONAL LABOR RELATIONS BOARD IN OPPOSITION

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

PETER G. NASH,
General Counsel,
National Labor Relations Board,
Washington, D.C. 20570.

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The judgment of the court of appeals (Pet. App. 1A) was entered on April 3, 1973. The 90-day period for filing a petition for a writ of certiorari prescribed in 28 U.S.C. 2101(c) expired on July 2, 1973. No timely extension of time for petitioning was sought, and the petition was filed on August 10, 1973. The petition is untimely, the Court has no jurisdiction to entertain it,[1] and it should be denied.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

PETER G. NASH,
General Counsel,
National Labor Relations Board.

SEPTEMBER 1973.

[1]Since the failure to file on time is jurisdictional, the explanation for such failure given in petitioner's supplementary petition is irrelevant.